

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DEMETRIO ROMERO and
MONICA ROMERO,

05-CV-1597-BR

Plaintiffs,

ORDER

v.

UNITED STATES OF AMERICA,
THE INTERNAL REVENUE SERVICE,
KARLA L. BEESLEY, ELAINE SCHULLER,
and DOES 1-10,

Defendants.

Plaintiffs move to proceed *in forma pauperis*. An examination of the Application reveals Plaintiffs are unable to afford the costs of this action.

IT IS ORDERED the provisional *in forma pauperis* status granted Plaintiffs under Local Rule 3.6(b) is confirmed. This action may go forward without the payment of fees or costs.

Pursuant to Fed. R. Civ. P. 3, "civil action is commenced by filing a complaint with the court." Pursuant to Fed. R. Civ. P.

8(a), a complaint shall include "a short and plain statement of the claim showing that the pleader is entitled to relief." "Each averment of a pleading shall be simple, concise and direct." Fed. R. Civ. P. 8(e). If the factual elements of a cause of action are scattered throughout the complaint but are not organized into a "short and plain statement of the claim," dismissal for failure to satisfy Rule 8(a) is proper." *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 640 (9th Cir. 1988). See also *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir. 1981)(district court may dismiss an action with prejudice due to a litigant's failure to comply with Rule 8(a) if meaningful, less drastic sanctions have been explored); Fed R. Civ P. 8(e)(1) ("[E]ach averment of a pleading shall be simple, concise, and direct.").

Plaintiffs' Petition for Summary Judgment and accompanying documents do not constitute a complaint under the Federal Rules of Civil Procedure. The Court, therefore, **DENIES** Plaintiffs' Petition for Summary Judgment **as moot**.

Because Plaintiffs appear *pro se* in this matter, the Court will permit Plaintiffs to file a complaint in this case that satisfies the requirements of the Federal Rules of Civil Procedure. Any such complaint is due no later than December 14, 2005. If Plaintiffs fail to file a complaint by December 14, 2005, that complies with the Federal Rules of Civil Procedure,

the Court will dismiss this matter.

IT IS SO ORDERED.

DATED this 14th day of November, 2005.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge